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| APPLICATION NO.            | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------|-------------|----------------------|---------------------|------------------|
| 10/083,687                 | 02/27/2002  | Don Li               | 57042-072           | 1534             |
| 20277                      | 7590        | 12/17/2004           | EXAMINER            |                  |
| MCDERMOTT WILL & EMERY LLP |             |                      | TSE, YOUNG TOI      |                  |
| 600.13TH STREET, N.W.      |             |                      | ART UNIT            |                  |
| WASHINGTON, DC 20005-3096  |             |                      | PAPER NUMBER        |                  |
|                            |             |                      | 2637                |                  |

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/083,687

Applicant(s)

LI ET AL.

Examiner

YOUNG T. TSE

Art Unit

2637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6 and 8-16 is/are rejected.
- 7) ☒ Claim(s) 1-5 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>080102,082102</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: in paragraph [0040], line 2, "on of the Ms stations" should be "one of the MS stations"; paragraph [0056], line 3, "it access signal" appears to read "its access signal"; and paragraph [0083], line 7, "element 32" appears to read "element 2". Appropriate correction is required.

### ***Claim Objections***

2. Claims 1-16 are objected to because of the following informalities:

In claim 1, lines 15 and 19, "of the of" and "if" should be "of the" and "if the", respectively.

In claim 3, line 2, "a second" should be "the second".

In claim 4 (line 6) and claim 5 (line 4), "difference" should be "a difference".

In claim 5, line 2, "an open loop" should be "the open loop".

In claim 6, line 1, "an initial" should be "the initial".

In claim 8 (line 11) and claim 11 (line 14), "a signal" should be "the signal".

In claim 14, line 2, "a first" should be "the first".

In claim 15, line 5, "a broadcast" should be "the broadcast".

Wherein the dependent claims 2 and 7; 9-10; and 12-13 and 16 are depended upon claims 1, 8 and 11, respectively.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 6 and 8-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 6, the step of receiving a broadcast spread spectrum signal from the base station in the MS-spread-spectrum receiver of the one mobile station is vague and indefinite since the MS-spread-spectrum receiver is in one of the mobile stations, not the base station.

In claim 8 (lines 6-7), claim 10 (line 4), claim 11 (lines 7-8, 8, 9; 9-10, 11, 12, 14, 16, 19 and 20), claim 15 (lines 3 and 5) and claim 16 (line 3), the phrases "the first access attempt", "the composite power control command", "the random access channel", "the mobile station" and "the base station" all lack antecedent basis.

Wherein claims 9 and 12-14 are depended upon claims 8 and 11.

***Allowable Subject Matter***

5. Claims 1-5 and 7 would be allowable if rewritten or amended to overcome the objections set forth in this Office action.

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6. Claims 6 and 8-16 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

7. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to show or suggest a method of attempting access to a random-access channel serviced through a base station of a CDMA wireless communication system by the combination of that if a mobile station does not detect an acknowledgement responsive to a first access attempt; receiving a broadcast control message from the base station containing a closed loop power control symbol specifying an extent that power of a signal received from the base station differs from a target power; processing the received signal from the base station to produce an open loop power control symbol specifying an extent of a change in power for uplink transmissions regarding the random access channel; generating a power control command as a function of both the closed loop and the open loop power control symbols; and transmitting from the mobile station a spread spectrum signal signifying a second access attempt to utilize the random access channel in a manner controlled as a function of the power control command.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

References Sunnay et al., Agrawal et al., Andersson et al., Soininen et al., Derryberry et al., Kim et al., Bark et al., Parsa et al., Choi et al., and Apostolides et al.

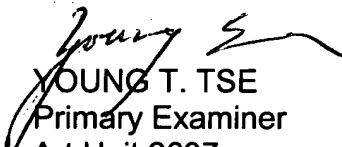
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are made of record as describing a method of controlling a transmit power level of a mobile station in a communications system includes both a closed loop and an open loop power controls controlled by a base station of the communications system in order to access a random access channel.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOUNG T. TSE whose telephone number is (571) 272-3051. The examiner can normally be reached on Monday and Wednesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
YOUNG T. TSE  
Primary Examiner  
Art Unit 2637